



U.S. Department of Justice

*United States Attorney  
Southern District of New York*

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*The Jacob K. Javits Federal Building  
26 Federal Plaza  
New York, New York 10278*

January 27, 2025

**BY ECF**

The Honorable Loretta A. Preska  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, NY 10007

**Re: United States v. Farhane, 05 Cr. 673 (LAP)  
United States v. Farhane, 18 Civ. 11973 (LAP)**

Dear Judge Preska:

The Government respectfully submits this joint letter from the parties proposing a schedule in this matter.

The parties will continue to seek to narrow the issues prior to motion practice. The parties do not, however, anticipate reaching complete agreement regarding the extent to which the Petitioner has waived the attorney-client privilege through his ineffective assistance claim. Because the scope of waiver will affect the information that predecessor counsel will be compelled to disclose to the parties—and, consequently, the parties' positions with respect to the need to develop evidence, seek any discovery, and engage in any further litigation—the parties propose that this issue be litigated first, on the following briefing schedule:

**March 14, 2025** Petitioner's brief  
**April 11, 2025** Government's opposition  
**April 25, 2025** Petitioner's reply

The parties anticipate the briefs will address the scope of the subject matter that predecessor counsel will be required to disclose by affidavit and whether otherwise privileged documents relevant to the § 2255 petition must also be produced to the parties. The parties propose that, once the Court has ruled and issued an order to predecessor counsel consistent with its ruling, predecessor counsel be given 60 days to comply ("Compliance"). Thereafter, the parties propose the following schedule:

**30 Days from Compliance** Mutual disclosure of affirmative fact evidence (including witness statements and documents) that either party intends

to offer under Rule 7 of the Rules Governing 2255 Proceedings for the United States District Courts

**60 Days from Compliance** Mutual disclosure of rebuttal fact evidence (including witness statements and documents) under Rule 7

**90 Days from Compliance** If rebuttal fact evidence includes new witnesses, mutual disclosure of any further witness statements

**120 Days from Compliance** Mutual expert disclosures

**150 Days from Compliance** Mutual rebuttal expert disclosures

**180 Days from Compliance** Joint letter proposing a schedule for any additional motions and/or an evidentiary hearing. To the extent that either party wishes to move for discovery under Rule 6, that request must be made in time for resolution before this date.

\* \* \*

The parties thank the Court for its consideration.

Respectfully submitted,

DANIELLE R. SASSOON  
United States Attorney for the  
Southern District of New York

by: /s/ Jun Xiang  
Jun Xiang  
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**CC:**

Counsel for Abderrahmane Farhane

The Court hereby adopts the parties' proposed schedule regarding briefing. The deadline for Petitioner to file his brief is March 14, 2025. The Government shall file its opposition brief by April 11, 2025. Petitioner shall file any reply by April 25, 2025. The Court also hereby adopts the parties' proposed Compliance schedule.

**SO ORDERED.**

Dated: January 28, 2025

  
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LORETTA A. PRESKA, U.S.D.J.